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In re Application of KARALI et al :
U.S. Application No.: 10/031,898 :
Int. Application No.: PCT/US00/32434 : DECISION ON PETITION
Int. Filing Date: 06 December 2000 :
Priority Date: 08 December 1999 : UNDER 37 CFR 1.137(b)
Attorney Docket No.: 6794S-000005USC :
For: CYCLOOXYGENASE-2 INHIBITOR :
COMPOSITIONS HAVING RAPID ONSET :
OF THERAPEUTIC EFFECT :

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 22 January 2002.

BACKGROUND

On 06 December 2000, applicant filed international application PCT/US00/32434, which claimed priority of an earlier United States application filed 08 December 1999. The twenty-month period for paying the basic national fee in the United States expired at midnight on 08 August 2001.

International application PCT/US00/32434 became abandoned as to the United States at midnight on 08 August 2001 for failure to pay the basic national fee.

On 22 January 2002, applicant filed the present petition. The petition states that it is accompanied by a proper response under 35 U.S.C. 371, the petition fee set forth in 37 CFR 1.17(m), and a statement that abandonment of the application was unintentional.

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless

previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required basic national fee under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that a properly executed oath or declaration in compliance with 37 CFR 1.497 must be submitted.


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